IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5468 of 2007()

CRIME NO. 281/07 OF OACHIRA POLICE STATION
CRMP.2802/2007 of D.C. & SESSIONS COURT,KOLLAM
CMP.10721/2007 of J.M.F.C.,KARUNAGAPPALLY

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PETITIONERS/A1 TO A6

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1. SREENATH,
S/O CHANDRASEKHARA PILLAI,
VAISHNAVAN VEETTIL, CLAPPANA, THEKKUMMURI,
CLAPPANA VILLAGE, KARUNAGAPPALLY, KOLLAM.

2. SABEEN, S/O THAMPY,
VALIYAKANDATHIL HOUSE,
CLAPPANA NORTH, CLAPPANA VILLAGE.

3. SANIL, S/O CHELLAPPAN,
SATHEESH BHAVANAM, CHANAPPALLY LAKSHAM VEETTIL,
CLAPPANA NORTH, CLAPPANA VILLAGE.

4. RAJEEVAN, S/O RAJAN,
CHANAPPALLY LAKSHAM VEETTIL,
CLAPPANA NORTH, CLAPPANA VILLAGE.

5. SUNIL @ KURUP, S/O SUKUMARAN,
KOTTAYIL VEETTIL VARUVILA,
CLAPPANA NORTH, CLAPPANA VILLAGE,
KARUNAGAPPALLY, KOLLAM DISTRICT.

6. SIVARAM,
S/O GOPINATHA PILLAI,
SIVAJAYA BHAVAN, PRAYER THEKKU,
CLAPPANA VILLAGE, KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(CRIME NO.281 OF 2007 OF OCHIRA POLICE STATION)

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5468 of 2007

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Dated this the 19th day of September, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 6. They face allegations, inter alia, under Section 302 r/w. 149 I.P.C. Political animosity is the alleged motive. The petitioners allegedly belong to the B.J.P., whereas the deceased belonged to C.P.M. The alleged incident took place on 19.7.2007. Accused 1, 4, 5 and 6 were arrested on 25.7.2007 and accused 2 and 3 were arrested on 6.8.2007. Investigation is not complete.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. He prays that they, who remain in custody from 25.7.07 and 6.8.07, may now be enlarged on bail.

3. The learned Prosecutor opposes the application. He submits that a serious view is bound to be taken against the nature of the crime allegedly committed by the petitioners. Investigation is not complete. The law and order situation in the locality is likely to be jeopardised if the petitioners were enlarged on bail at this early stage.

4. Having considered all the relevant inputs, I am satisfied that there is merit in the opposition by the learned Prosecutor. I am satisfied that it is too early to consider the release of the petitioners on bail. In a serious crime like this, I agree with the Prosecutor that the Investigator is entitled for reasonable further time to complete the investigation.

5. This application is accordingly dismissed. But I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions Court for bail again at a later stage of the investigation, not at any rate, prior to 3.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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